

Notice of Allowability

Application No.

10/070,782

Examiner

Preeti Kumar

Applicant(s)

HASHIMOTO ET AL.

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to May 28, 2004.
2. ☒ The allowed claim(s) is/are 1-4 and 6-13, renumbered 1-12.
3. ☒ The drawings filed on 12 March 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Allowance

1. Claims 1-4 and 6-13 are pending.
2. Applicant's arguments, see Remarks and Declaration, filed May 28, 2004, with respect to Nakashima et al. (US 5,876,466) and Akasawa (US 5,679,418) have been fully considered and are persuasive. The rejection of claims 1-3 and 6-13 under 35 U.S.C. 103(a) as being unpatentable over Nakashima et al. (US 5,876,466) and the rejection of claims 1-4, 6 and 8 under 35 U.S.C. 103(a) as being unpatentable over Akasawa (US 5,679,418) have been withdrawn.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance: Claims 1-4 and 6-13, renumbered 1-12, are allowable upon consideration of the prior art.

The prior art most pertinent to the instant claims is Nakashima et al. (US 5,876,466). Nakashima et al. teach suede-like artificial leather comprising polyurethane. Specifically Nakashima et al. teach that the weight ratio of the polyurethane in the suede-like artificial leather is 20-60% by weight. However, Nakashima et al. do not teach or suggest the claimed percentage of 50-90wt% of polycarbonate diol in the polyurethane and the other requisite limitations as recited by the instant claims.

Another pertinent prior art is Akasawa (US 5,679,418). Akasawa teach leather-like sheet comprising polyurethane. However, Akasawa teach 40wt% polycarbonate diol and the instant claims are drawn to 50-90wt% polycarbonate diol. Applicant's

Art Unit: 1751

arguments and declaration show criticality of the higher percentage of polycarbonate diol on the properties recited by the instant claims and the addition of 10wt% more polycarbonate diol to the leather-like sheet would not have been obvious.

None of the prior art of record specifically teach or suggest the claimed percentage of 50-90wt% polycarbonate diol and the other requisite limitations as recited by the instant claims.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 571-272-1320. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Preeti Kumar
Examiner
Art Unit 1751

PK



MARGARET EINSMANN
PRIMARY EXAMINER
GROUP 1100